



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive . 101 Monroe Street . Rockville, Maryland 20850

Subject: Permit Fees and regulations Related to Construction Debris Reclamation Facility	Number: 10-05
Originating Department: DEPARTMENT OF PERMITTING SERVICES	Effective Date:

Montgomery County Regulation on:

PERMIT FEES AND REQUIREMENTS RELATED TO CONSTRUCTION DEBRIS RECLAMATION FACILITY

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive
Regulation No. 10-05

AUTHORITY: Code Sections 59-A-2, 59-A-2.1, 59-C-9, 59-C-9.3, 59-C-9.83, 59-C-9.84
Supersedes: 38-01
Council Review: Method 2 under Code Section 2A-15
Register 22 Issue 4
Effective date:
Sunset date:

SUMMARY: This regulation, in general, increases fees by 6.4% for costs related to the administration, plan-review and enforcement of Construction Debris Reclamation Facilities by the Department of Permitting Services. The current policy of increasing fees for inflation only is not sufficient to cover department cost increases. This regulation changes revenue policy to link fee increases more closely to labor cost increases to address the department's funding needs. Section 6 has been revised to reflect a change in the indexing of fees.

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BACKGROUND INFORMATION:

The Department of Permitting Services is the agency mandated to administer and enforce Chapter 59 Zoning of the Montgomery County Code. Fees and requirements included in this executive regulation are for the permit issuance, review and inspection. These fees adequately reflect the costs for these services. The Department of Permitting Services was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. Revenues that support the Department are established by Method 2 or Method 3 Executive Regulations and by County Council resolution. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. These cost increases will reflect negotiated labor agreements, employee benefit cost adjustments, proficiency advancements, and other personnel cost factors. Where possible, productivity enhancements will be made to minimize fee increases.

Sec. 1 PURPOSE AND AUTHORITY

The following schedule of fees and requirements are adopted pursuant to the authority contained in Section 59-C-9.84 of the Montgomery County Code 1994, as amended.

Sec. 2 DEFINITIONS

Construction Debris Reclamation Facility: Any land or building used for the collection, sorting and recovery of construction or demolition debris where debris:

- (a) Is separated, collected, processed or marketed in the form of raw materials or products;
- (b) Has marketable value; and
- (c) Is sorted at the reclamation facility site, with the inventory, by volume, being turned over at least once every 3 months.

Sec. 3 DEVELOPMENT STANDARDS

- (a) Minimum lot size of 10 acres.
- (b) Minimum frontage of 1,000 feet and direct access to a road classified as a primary industrial street or higher.
- (c) No more than 2 miles from an interstate highway interchange.
- (d) A building setback of 50 feet from any road right-of-way, except a limited access freeway which is controlled by Section 59-C-9.81, and 75 feet from any adjoining property not classified in an industrial zone or the RS zone.



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- (e) Off-street parking of haul trucks and roll off containers must be in a building or screened from off-site visibility, and
- (f) A landscaping plan approved by the Planning Board as part of the site plan approval process.

Sec. 4 CONSTRUCTION DEBRIS RECLAMATION PERMIT REQUIREMENTS

This regulation requires that:

- (a) Construction debris be transported to the construction recycling facility in covered "Roll off" containers or covered trucks.
- (b) All sorting and processing be done in an enclosed structure.
- (c) When construction debris is separated, collected and processed, an average of 50% of the processed materials by weight have a marketable value
- (d) Permanent storage is not permitted and inventory by volume turned over at least once every three months.
- (e) Fifty-one percent (51%) of the materials processed be collected by the facility operator and
- (f) The total volume of construction and demolition debris collected and recycled be reported to the Division of Solid Waste Services on an annual basis.

Sec. 5 CONSTRUCTION DEBRIS RECLAMATION PERMIT FEES

Annual Permit Fee - \$94.00

Sec. 6 INDEXING OF FEES TO LABOR COST INCREASES

The Director of Permitting Services must adjust each fee set in or under this regulation on July 1 of each year. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of \$100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under \$100, the Director must calculate the revised fee to the nearest dollar.



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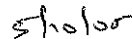
Sec. 7 SEVERABILITY

The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.


EFFECTIVE DATE: This regulation becomes effective July 1, 2005.



Douglas M. Duncan, County Executive



Date



Michael F. Smith, County Executive